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Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 4 (ARKANSAS) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On January 27, 2010, the Region 4 (Arkansas)¹ 700 MHz Regional Planning Committee (RPC) (Region 4) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use² spectrum in the 769-775/799-805 MHz band for review and approval.³ In addition, on July 30, 2010, and August 10, 2010, Region 4 submitted adjacent region Inter-Regional Dispute Resolution Agreements. For the reasons discussed below, we approve the Region 4 700 MHz Plan.

Background. In 1998, the Commission established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.⁴ Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.⁵ The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁶

¹ The Region 4 (Arkansas) 700 MHz regional planning area includes seventy-five (75) counties.

² The General Use spectrum is administered by RPCs and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

³ See Letter from J.M. Rowe, Acting Chair, Region 4 (Arkansas) 700 MHz Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-378 (filed Jan. 27, 2010) (submitting regional plan); see also Letter from J.M. Rowe, Acting Chair, Region 4 (Arkansas) 700 MHz Regional Planning Committee, to Jamie A. Barnett (Rear Admiral Retired), Chief, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed July 30, 2010) (submitting dispute resolution agreements); Letter from J.M. Rowe, Acting Chair, Region 4 (Arkansas) 700 MHz Regional Planning Committee, to Jamie A. Barnett (Rear Admiral Retired), Chief, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed Aug. 10, 2010) (submitting corrected Region 18 (Louisiana) dispute resolution agreement).

⁴ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000). See also 47 C.F.R. § 90.527.

⁵ See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.¹¹ Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.¹²

Regional plans may differ in approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties.¹³ However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.¹⁴ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁵

⁷ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

⁸ See 47 C.F.R. §§ 90.527, 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

⁹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

¹⁰ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹¹ See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs to promptly adopt operating procedures that “ensure that all entities will be given reasonable notice of all committee meetings and deliberations.” *Id.* at 195 ¶ 86.

¹² *Id.* at 193-94 ¶ 84.

¹³ See Plan, Appendix F – Region 4 Channel Allotment at 73-105 (Region 4 defines a county-like area to include the geo-political boundaries of a given county plus 5 miles).

¹⁴ See 47 C.F.R. § 90.527.

¹⁵ The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional

Review of the Region 4 700 MHz Plan. Region 4 convened its first meeting on February 24, 2004, wherein it elected its chairman, officers and established three subcommittees.¹⁶ The Plan includes By-laws,¹⁷ a detailed membership list,¹⁸ and meeting notices and summaries.¹⁹ The Plan describes the procedures for requesting spectrum allotments,²⁰ details the application review and scoring process,²¹ outlines system implementation criteria and spectrum utilization.²² The State of Arkansas administers the state interoperability channels through the Arkansas Interoperable Communications Executive Committee (AICEC).²³ In addition, Region 4 will utilize the CAPRAD database to facilitate the application process (pre-coordination).²⁴ Finally, the Region 4 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁵

The Region 4 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁶ The Plan was coordinated with all eight adjacent regions to Region 4 including: Region 13 (Illinois), Region 17 (Kentucky), Region 18 (Louisiana), Region 23 (Mississippi), Region 24 (Missouri), Region 34 (Oklahoma), Region 39 (Tennessee) and Region 40 (Northern Texas).²⁷

planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/nccsubcom.jsp>.

¹⁶ See Plan, Section 2.0 – Notification and Operation at 6-18. The three subcommittees include Technical and Implementation, Interoperability, and Administrative. Convening meeting notification by FCC public notice was provided to all known public safety and public service associations by mail and email. Subsequent meetings held were announced by FCC public notice with email to RPC members and all interested parties.

¹⁷ See Plan, Section 1.2 – By-Laws of the 700 MHz Regional Planning Committee at 6-14.

¹⁸ See Plan, Appendix A – Membership and Convening Meeting Attendees at 40.

¹⁹ See Plan, Appendix C – Meeting Minutes, Agenda and Other Events (where 700 MHz information was disseminated).

²⁰ See Plan, Section 3.1 – Procedure for Requesting Spectrum Allotments at 19 (all applications will be considered on a first come, first served basis); *see also*, Plan, Section 3.2 – Procedure for Frequency Coordination at 23-24.

²¹ See Plan, Section 4 – Priority Matrix (application evaluation matrix point system and scoring categories) at 28-29.

²² See Plan, Section 8.5 – System Design and Efficiency Requirements at 33-35 (interference protection criteria; recommendation for smaller agencies to partner with other agencies in multi-agency or regional systems, to achieve efficiency and channel loading limits).

²³ See Plan, Section 8 – The Arkansas Interoperable Communications Executive Committee (AICEC) at 36-37. All mobile and portable units operating under this Plan must be programmed with the minimum number of channels as specified in the Arkansas State Communications Interoperability Plan.

²⁴ See Plan, Section 9.1 – Database Maintenance at 38 (Region 4 will continue to use the CAPRAD pre-coordination database, and for other 700 MHz spectrum should it become available).

²⁵ See Plan, Section 9.4 – Certification (by the Chair that regional planning process was open to the public) at 38.

²⁶ See Plan, Appendix F – Region 4 Channel Allotments at 73-105 (Region 4 defines a county-like area to include the geo-political boundaries of a given county plus 5 miles).

²⁷ See Plan, Attachments – Adjacent Region Consent Letters (includes Intra-Regional Coordination Procedures and Procedures for Resolution of Disputes); *see also* Letter from J.M. Rowe, Acting Chair, Region 4 (Arkansas) 700 MHz Regional Planning Committee, to Jamie A. Barnett (Rear Admiral Retired), Chief, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed July 30, 2010) (submitting dispute resolution agreements); Letter from J.M. Rowe, Acting Chair, Region 4 (Arkansas) 700 MHz Regional Planning Committee, to Jamie A. Barnett (Rear Admiral Retired), Chief, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed Aug. 10, 2010) (submitting corrected Region 18 (Louisiana) dispute resolution agreement).

On September 8, 2010, the Bureau released a *Public Notice* seeking comment on the Region 4 Plan.²⁸ We received no comments. Based on our review of the plan, we conclude that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 4 (Arkansas) 700 MHz Public Safety Plan is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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²⁸ See Public Safety and Homeland Security Bureau Seeks Comments on Region 4 (Arkansas) 700 MHz Regional Planning Committee Proposed Public Safety Plan, WT Docket No. 02-378, *Public Notice*, 25 FCC Rcd 12759 (PSHSB 2010). Comments were due September 28, 2010, and reply comments were due October 8, 2010.